SASKATCHEWAN HUMAN RIGHTS COMMISSION

BE CODE SMART

The best way to protect yourself from discrimination and from complaints is to know and respect *The Saskatchewan Human Rights Code*.

A Guide to Human Rights
for Employers

Promoting and protecting individual dignity and equal rights - that's the goal of *The Saskatchewan Human Rights Code*. It's the Saskatchewan Human Rights Commission's job to discourage and eliminate discrimination against everyone under provincial jurisdiction - at school, in housing, public services, contracts, publications and on the job. It's against the law to discriminate against anyone in those areas based on:

- ancestry, colour, race or perceived race
- religion or religious creed
- sex
- marital status
- disability
- nationality or place of origin
- age (18 or more)
- sexual orientation
- family status
- receipt of public assistance

Individuals, private companies, schools, trade unions, professional associations - plus provincial and municipal governments - are subject to human rights law. If you violate the *Code* you could be liable for the harm caused by discrimination

The Best Person Always Gets the Job

As an employer you may think the *Code* will unnecessarily restrict who you hire. That's not true. Human rights law does not limit your ability to hire and keep good employees.

The *Code* just means you must consider only the qualifications necessary and specific to the job - like merit and skill. This way, you're sure to get the best person for the job.

What's Protected

Everything related to employment is protected under the *Code*. That includes:

- recruitment ads
- application forms
- interviews
- hiring
- dismissal
- promotion
- demotion
- benefits
- wages

In addition, trade unions and professional associations cannot discriminate when it comes to collective agreements or membership.

Respecting People's Needs

Employers, service providers and others must assist peole with special needs - that's called accommodation. Accommodation is required unless it would cause undue hardship. Examples:

- As an employer, you may have to provide technical aids so people with disabilities can participate in your workplace.

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- You might have to temporarily rearrange work duties for a pregnant woman. For example, a police officer may switch to a desk job in the later stages of her pregnancy.

Sexual Harassment

Sexual harassment is sex discrimination and it's against the law.

It's any unwanted sexual conduct. It can be verbal or physical. Employers must protect their employees from sexual harassment in the workplace. Whether you're aware of sexual harassment or not, you are responsible for the actions of your employees while they're on the job.

Racial Harassment

Racial harassment is race discrimination and it's against the law.

It can be verbal or physical. It includes negative comments, jokes, teases, slurs, threats, etc. about someone's colour, perceived race, ancestry, nationality, place of origin, or culture.

As an employer, you must provide a discrimination-free workplace. It's up to you to protect your employees from racial harassment. A good way to do this is to set up a code of conduct and an anti-harassment policy.

Exceptions

Some jobs may require people to be of a certain age or sex or to have a particular ability. Even where age, sex or ability is a reasonable occupational qualification, an employer must make reasonable efforts to accommodate people.

- If religious instruction is part of the curriculum, schools may require teachers of a particular religion.

- Non-profit charitable, philanthropic, fraternal or religious organizations primarily engaged in serving the interests of persons identified by their religion, ancestry, sex, etc., may give hiring preference to someone providing it's reasonably necessary because of the nature of the job.

The *Code* doesn't apply if you're hiring someone to work in a private home or your own home. However, once you hire someone, you cannot discriminate against them in the terms and conditions of employment.

Exemptions

Employers can ask the Commission for an exemption from the *Code*.

For example, although it's illegal for employers to discriminate on the basis of ancestry, organizations that provide services to Aboriginal people may be able to hire people of Aboriginal ancestry exclusively.

Employment Equity

The Commission promotes, approves and monitors Employment Equity programs in Saskatchewan. Employment Equity programs are developed to eliminate disadvantages faced by Aboriginal people, people with disabilities, visible minorities, and women.

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